

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

ALFRED A. JOHNSON,

Plaintiff,

v.

ANNETTE CHAMBERS-SMITH,  
ODRC DIRECTOR, et al.,

Defendants.

Civil Action 2:22-cv-4179

Judge Edmund A. Sargus, Jr.

Magistrate Judge Peter B. Silvain, Jr.

**OPINION AND ORDER**

This matter is before the Court for consideration of a Report and Recommendation issued by the Magistrate Judge on January 3, 2023 (ECF No. 26), to which Plaintiff filed an Objection (ECF No. 23), a Motion to Compel Evidence to Be Submitted to the Court (ECF No. 24), and a Request to Supplement the Record (ECF No. 35). This Court has made “a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1); *see also* Fed. R. Civ. P. 72(b).

Here, in its *de novo* review, the Court concludes that the Magistrate Judge issued a well-reasoned, thorough, and legally correct Report and Recommendation that is undisturbed by Plaintiff’s Objection, Motion to Compel, and/or his Request to Supplement. Therefore, the Court hereby:

1. **ADOPTS** the Report and Recommendation (ECF No. 20);
2. **OVERRULES** Plaintiff’s Objection (ECF No. 23);
3. **DENIES** Plaintiff’s Motion to Compel Evidence (ECF No. 24);
4. **SEVERES** the claims in the First Motion against Defendant Sable, Murphy, and the BECI Medical Department and **DISMISSES** them without prejudice;

5. **DENIES** the Second Motion (ECF No. 9) and the Third Motion (ECF No. 12) to Amend/Supplement as these amendments would be futile, because they would result in misjoinder and/or because the allegations fail to state a claim on which relief may be granted;
6. **SEVERES** the claim in the Complaint (ECF No. 14) against Defendant Rizzo and **DISMISSES** it without prejudice;
7. **DISMISSES** all the remaining claims in the Complaint against Defendants Chambers-Smith, Gray, Scott, Moore, Haley, Henry, Taylor, Matesick, and the ODRC, all under 28 U.S.C. §§ 1915A(b) and 1915(e)(2);
8. **FINDS** this case is a strike for purposes of the three strikes provision of the PLRA, 28 U.S.C. § 1915(g); and
9. **CERTIFIES** pursuant to 28 U.S.C. § 1915(a)(3) that, for the reasons discussed above, an appeal of any Order adopting this Report and Recommendations would not be taken in good faith, and therefore, deny Plaintiff leave to appeal *in forma pauperis*. See *McGore v. Wrigglesworth*, 114 F.3d 601 (6th Cir. 1997).

The Clerk is **DIRECTED** to **ENTER JUDGMENT** in favor of Defendants and **CLOSE** this case.

**IT IS SO ORDERED.**

9/18/2023  
DATE

s/Edmund A. Sargus, Jr.  
**EDMUND A. SARGUS, JR.**  
**UNITED STATES DISTRICT JUDGE**